

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE ANTITRUST  
LITIGATION

CASE NO. 3:10-md-2143 RS

**ORDER RE OBJECTION TO  
NONDISPOSITIVE PRETRIAL ORDER  
OF MAGISTRATE JUDGE**

Defendant Toshiba Samsung Storage Technology Korea Corporation (“TSSTK”) seeks relief from an order of the assigned magistrate judge, made in open court but not yet reduced to writing, compelling the production by March 15, 2013 of certain documents located overseas. TSSTK contends that the production should be stayed for a minimum of four months, to preclude the Department of Justice obtaining documents for use in a criminal investigation that ordinarily would be beyond the scope of its criminal subpoena power. While TSSTK acknowledges Ninth Circuit authority suggesting there are no legal restrictions on the government’s ability to act in precisely such a manner, it argues the civil production should be delayed in this case to prevent unfairness.

TSSTK asserts it only learned of the Department of Justice’s intentions *after* the magistrate judge’s ruling, and there is no indication the issue was otherwise presented to him for consideration

1 in the first instance. Accordingly, TSSTK's present objection made to this Court is overruled,  
2 without prejudice to it seeking relief from the magistrate judge.

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5 IT IS SO ORDERED.

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7 Dated: 3/18/13

  
8 RICHARD SEEBORG  
9 UNITED STATES DISTRICT JUDGE  
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